

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAR 27 2008

JIMMY FARRELL,

Plaintiff,

vs.

GLENDA LEE et al.,

Defendants.

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Y. H. DEPUTY

No. 07-601-W

ORDER

On March 19, 2008, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and recommended that the complaint filed by plaintiff Jimmy Farrell be dismissed for failure to exhaust administrative remedies. Farrell was advised of his right to object to the Report and Recommendation. In a paper file-stamped March 26, 2008, Farrell advised the Court that he agrees with Magistrate Judge Argo's recommendation.

Upon review of the record, the Court likewise finds that dismissal of this matter is warranted for failure to exhaust available administrative remedies as required by title 42, section 1997e(a) of the United States Code.


Accordingly, the Court

(1) ADOPTS the Report and Recommendation dated March 19, 2008;

(2) GRANTS the Motion to Dismiss/Motion for Summary Judgment filed by the named defendants, Mike Addison and Glenda Lee, on September 21, 2007, which was construed by Magistrate Judge Argo as a motion for summary judgment; and

(3) DISMISSES this matter without prejudice to refiling.

ENTERED this 27th day of March, 2008.



LEE R. WEST
UNITED STATES DISTRICT JUDGE